

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

|                                   |   |                     |
|-----------------------------------|---|---------------------|
| In the Matter of                  | ) |                     |
|                                   | ) |                     |
| Implementation of the Commercial  | ) | MB Docket No. 11-93 |
| Advertisement Loudness Mitigation | ) |                     |
| (CALM) Act                        | ) |                     |

Filed Electronically via ECFS - Attention: Chief, Media Bureau

**STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION**

1. By this pleading and the attached certificate, Korean American TV Broadcasting Corp. ("Licensee") certifies that Class A Television Station WKTB-CD, Facility ID 35418, Norcross, Georgia, requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the "CALM Act") and requests a waiver of the December 13, 2012 deadline for compliance.<sup>1</sup>

2. This request is for only the supplemental digital streams of WKTB-CD. Channel 47.1 is already compliant. Channels 47.2, 47.3, and 47.4 require a waiver.

3. Pursuant to the streamlined waiver process set forth in the Commission's December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for three digital streams

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<sup>1</sup> Licensee asserts that Class A television stations are not at this time subject to CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the "Order"), which defines a subject "television broadcast station" as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition of "television broadcast station" in either the statute or the Order. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

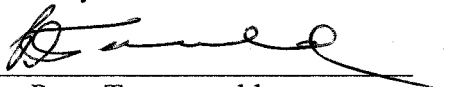
of WKTB-CD as “small broadcast station.”<sup>2</sup> Under the procedures adopted in the *Order*, stations seeking a waiver on this basis must certify to the Commission that they qualify as a “small broadcast station” and that they require a delay of one year to obtain specified equipment to avoid financial hardship.<sup>3</sup>

3. As set forth in the attached Certification of Susan Sim Oh, President, Licensee certifies that WKTB-CD satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Ms. Oh further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for WKTB-CD’s three supplemental digital streams to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WKTB-CD to comply with the CALM Act.

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Respectfully submitted:

By:   
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FRN 0003-7595-60

December 12, 2012

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<sup>2</sup> *Order* at 17253-54.

<sup>3</sup> *Id.*

### CERTIFICATION OF SUSAN SIM OH

Susan Sim Oh hereby certifies as follows:

1. I am President of Korean American TV Broadcasting Corp.
2. Korean American TV Broadcasting Corp. is the licensee of Class A television station WKTG-CD, Norcross, Georgia.
3. During calendar year 2011, WKTG-CD had less than \$14 million in annual gross receipts for all of its streams combined. WKTG-CD's annual gross revenue for 2012 will also be less than \$14 million for all streams combined.
4. WKTG-CD broadcasts four streams. The first stream, Channel 47.1, is already CALM-compliant. The three other streams do not have equipment installed to ensure compliance. To achieve compliance for the other three streams, I estimate costs of between \$25,000 and \$30,000.
5. Channel 47.1 is an affiliate of the Telemundo Network. The other three streams broadcast Korean ethnic programming, with limited revenue generation to finance equipment acquisition. While I anticipate that these other streams will be equipped for compliance within the next 12 months, a one-year waiver of the CALM Act requirements is requested to allow the station to accumulate funds to pay for this equipment.



Susan Sim Oh

December 12, 2012